

Chapter 1168

AN ACT

relating to the prosecution and punishment of the offense of arson.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 28.02, Penal Code, is amended by adding Subsection (a-2) and amending Subsections (f) and (g) to read as follows:

(a-2) A person commits an offense if the person intentionally starts a fire or causes an explosion and in so doing:

(1) recklessly damages or destroys a building belonging to another; or

(2) recklessly causes another person to suffer bodily injury or death.

(f) An offense under Subsection (a-2) is a state jail felony  
~~[It is a felony of the third degree if a person commits an offense under Subsection (a)(2) of this section and the person intentionally starts a fire in or on a building, habitation, or vehicle, with intent to damage or destroy property belonging to another, or with intent to injure any person, and in so doing, recklessly causes damage to the building, habitation, or vehicle].~~

(g) If conduct that constitutes an offense under Subsection (a-1) or that constitutes an offense under Subsection (a-2) [~~(f)~~] also constitutes an offense under another subsection of this section or another section of this code, the actor may be prosecuted under Subsection (a-1) or Subsection (a-2) [~~(f)~~], under the other

1 subsection of this section, or under the other section of this code.

2           SECTION 2. The change in law made by this Act applies only  
3 to an offense committed on or after the effective date of this Act.  
4 An offense committed before the effective date of this Act is  
5 covered by the law in effect when the offense was committed, and the  
6 former law is continued in effect for that purpose. For purposes of  
7 this section, an offense was committed before the effective date of  
8 this Act if any element of the offense occurred before that date.

9           SECTION 3. This Act takes effect September 1, 2009.

David Newkurt

President of the Senate

John Stroman

Speaker of the House

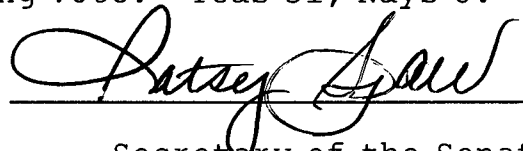
I certify that H.B. No. 3224 was passed by the House on May 12, 2009, by the following vote: Yeas 139, Nays 5, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3224 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 3224 on May 31, 2009, by the following vote: Yeas 146, Nays 0, 1 present, not voting.

Robert Haney

Chief Clerk of the House

H.B. No. 3224

I certify that H.B. No. 3224 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 3224 on June 1, 2009, by the following vote: Yeas 31, Nays 0.



Secretary of the Senate

APPROVED: 19 JUN '09

Date



Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK

JUN 19 2009

